

REVISED
THE CITY OF HURON, OHIO
Proceedings of the Huron City Council
Regular Meeting Tuesday, July 9, 2019 at 6:30 p.m.

A regular meeting of the City Council of the City of Huron, Ohio was called to order by Mayor Brad Hartung on Tuesday July 9, 2019 at 6:30p.m. in the Council Room of City Hall, 417 Main Street, Huron, Ohio.

The Mayor called for a moment of silence; asked that all keep the Martin family in their thoughts. After the moment of silence, the Mayor led in saying the Pledge of Allegiance to the Flag, and then directed the Clerk to call the roll. The following members of Council answered present: **Rick Schaffter, Trey Hardy, Christine Crawford, Brad Hartung, Joe Dike, Sam Artino, and Glen Ginesi.**

Also present: City Manager Andy White, Law Director Aimee Lane, Finance Director Cory Swaisgood, Assistant to the City Manager Mike Spafford, City Engineer/Zoning Inspector Doug Green, and Management Services Coordinator-Clerk of Council Christine Gibboney.

Approval of Minutes

Motion by Mr. Dike that the minutes of the regular meetings of May 14 and May 28, 2019 be approved. The Mayor asked if there was any discussion on the motion. There being no discussion, he directed the Clerk to call the roll on the motion. Members of Council voted as follows:

YEAS: Artino, Ginesi, Schaffter, Hardy, Crawford, Hartung (6)

NAYS: Dike (1)

There being more than a majority voting in favor of the motion, the Mayor declared the motion passed.

Audience Comments

- Nick Kastaros- First Energy- asked if there were any issues or questions that he could address and distributed emergency responder cards.
- Ted Terry, 9312 Milan Road- Mr. Terry addressed Council with safety concerns relative to Nickel Plate Beach, referencing the most recent incident and those in the past. He referenced the dangerous rip tides in the area, noting that experienced swimmers are not safe in the area and something needs to be done.
- Jason Hinners, 1130 Mudbrook Road. Mr. Hinners referred to the Ohio Open Meeting Law and Section 121.01 of the city's Administrative code with regard to preparation and content requirements of meeting minutes, noting it has taken eight weeks for the meeting minutes of May 14, 2019, to be prepared and submitted, stating that these minutes do not accurately reflect the audio/video, content, or sequence of events. He referenced the minutes being a self-serving document to further a personal agenda against him and his wife, and addressed the Mayor about having a citizen arrested for not following unwritten rules, stating Council is not following its own written rules and deadlines. He referred to his comments on May 28th and referenced that he has been targeted by Councilman Ginesi over his religious practices and Mayor Hartung has targeted his wife. He spoke of his care for the community stating he is grateful for the work of city employees, first responders, and volunteers in community. He referenced the city's continued failure to be open, honest, and transparent; explaining this is the reason that public records requests have been made and advising of the loss of trust from citizens for Council and administration. Lastly, Mr. Hinners addressed Mayor Hartung noting his actions on May 14th were unconscionable and stating that he has refused to make it right.

- Mary Murphy, 410 Seneca Ave. Ms. Murphy referenced the Ohio Sunshine Laws, quoting from Attorney General Dave Yost and reviewing the purpose of the laws. She thanked Council for their service, and citizens who have requested public records; referencing the need for transparency in government. She referenced discussions and public comments relative to Mr. and Mrs. Hinners, and expressing her support for the efforts of Mr. and Mrs. Hinners in search of transparency. She noted her disagreement with the decision of the Mayor to remove Ms. Hinners from the May 14th meeting, representing city council without full approval, and for pursuing charges of obstructing official business. She inquired as to: 1) status of the charges against Ms. Hinners and the estimated cost of the Special Prosecutor. 2) Asked Council members if there have been violations in the way information has been communicated outside of public meetings through phone calls, texts and emails to members of Council, school board or community members that do not meet criteria of the sunshine Laws and what measures are being made to assure compliance.

Old Business

Ordinance 2019-9

Motion by Mr. Schaffter that Ordinance 2019-9 (AN ORDINANCE AMENDING SECTION 1121.04, "DEFINITIONS," SECTION 1125.03, "B-3 GENERAL DISTRICT," SUBSECTION (f), "INDUSTRIAL DEVELOPMENTS," OF SECTION 1126.05, "PLANNED DEVELOPMENT PROJECTS," SECTION 1126.09, "UNIVERSITY PARK PLANNED INDUSTRIAL DEVELOPMENT PROJECT OVERLAY ZONE", AND ENACTING NEW 1126.17, "REGULATIONS FOR INDUSTRIAL GREENHOUSES," OF THE PLANNING AND ZONING CODE WITHIN THE CODIFIED ORDINANCES OF THE CITY OF HURON TO REGULATE INDUSTRIAL GREENHOUSES, AND DECLARING AN EMERGENCY) be placed upon its third reading. The Mayor asked if there was any discussion on the motion. The Mayor directed the Clerk to call the roll on the motion. Members of the Council voted as follows:

YEAS: Schaffter, Hardy, Crawford, Hartung, Dike, Artino, Ginesi (7)
NAYS: None (0)

There being a majority or more in favor of the motion, the motion passed and Ordinance 2019-9 was placed upon its third reading. The Mayor directed the Law Director to read the Ordinance by its title only. Mr. White advised that the final vote on this ordinance be delayed to allow for the Public Hearing to be held on July 23, 2019. **Motion by Mr. Ginesi to table Ordinance 2019-9 until July 23, 2019 to allow for the required Public Hearing on the matter to be held.** The Mayor asked if there was any discussion on the motion. The Mayor directed the Clerk to call the roll on the motion. Members of the Council voted as follows:

YEAS: Ginesi, Schaffter, Hardy, Crawford, Hartung, Dike, Artino (7)
NAYS: None (0)

There being a majority or more in favor of the motion, the motion passed and Ordinance 2019-9 tabled.

Ordinance 2019-11

Motion by Mr. Hardy that Ordinance 2019-11 (AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF HURON TO REFLECT THE REZONING OF APPROXIMATELY 94.7 ACRES OF LAND LOCATED AT 1101 RYE BEACH ROAD, PARCEL NUMBER 42-67003.000, FROM THE CURRENT R-1 (SINGLE FAMILY RESIDENTIAL) TO B-3 (GENERAL BUSINESS) PUD AND TO INCLUDE THE PARCEL IN THE PLANNED INDUSTRIAL OVERLAY ZONE; AND DECLARING AN EMERGENCY) be placed upon its

second reading. The Mayor asked if there was any discussion on the motion. The Mayor directed the Clerk to call the roll on the motion. Members of the Council voted as follows:

YEAS: Hardy, Crawford, Hartung, Dike, Artino, Ginesi, Schaffter (7)
NAYS: None (0)

There being a majority or more in favor of the motion, the motion passed and Ordinance 2019-11 was placed upon its second reading. The Mayor directed the Law Director to read the Ordinance by its title only. Mr. White referenced this being the second reading of the ordinance which will authorize the rezoning of Mucci Farms from R-1 to B-3 PUD and referenced the recommendation for adoption following the adoption of the lighting regulations (Ord. 2019-9) on July 23, 2019.

New Business

Resolution 2019-38

Motion by Mr. Schaffter that the three reading rule be suspended and Resolution No. 2019-38 (A RESOLUTION AUTHORIZING THE CITY MANAGER, ON BEHALF OF THE CITY OF HURON, OHIO, TO SUPPORT THE REQUEST OF SAINT PETER SCHOOL, FOR THE USE OF CITY STREETS, TRAFFIC CONTROL SERVICES, AND PLACEMENT OF A BANNER IN THE MEDIAN AREA ADVERTISING THEIR 5K RACE AND FUN RUN TO BE HELD ON SATURDAY, OCTOBER 26, 2019.) be placed upon its first reading. The Mayor asked if there was any discussion on the motion. The Mayor directed the Clerk to call the roll on the motion. Members of the Council voted as follows:

YEAS: Schaffter, Hardy, Crawford, Hartung, Dike, Artino, Ginesi (7)
NAYS: None (0)

There being five votes or more in favor of the motion, the Mayor declared the motion passed. The Mayor directed the Law Director to read the Resolution by its title only. The Mayor asked if there was any discussion. Mr. White referenced this legislation authorizes the St. Peter School annual 5k event. Mr. Ginesi referenced discussion at the Economic Development Committee level regarding permanent electric signage and reported that the members did not support this type of sign as they recommended a more traditional permanent option. There being no further discussion, the Mayor directed the Clerk to call the roll on the final adoption of Resolution 2019-38. Members of Council voted as follows:

YEAS: Schaffter, Hardy, Crawford, Hartung, Dike, Artino, Ginesi (7)
NAYS: None (0)

There being a majority vote in favor of adoption, Resolution No. 2019-38 was adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

Resolution 2019-39

Motion by Ms. Crawford that Resolution No. 2019-39 (A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OLD HOMESTEAD-ON-THE-LAKE ASSOCIATION, INC. FOR THE CITY TO PLACE AND REMOVE BUOYS AT THE OLD HOMESTEAD I PRIVATE BEACH.) be tabled for further discussion related to costs, The Mayor asked if there was any discussion on the motion. Mr. Artino inquired as to how the costs were calculated; the Mayor advised costs were provided by the Police Department. Mr. White referenced he believed there was a misunderstanding with regard to Old Homestead in that they thought the bed tax revenue was going to be used to cover costs and after learning the bed tax expansion had not passed, they did not agree with the costs and referenced the correspondence the city had received from Old Homestead

and the recommendation to table the legislation in order to entertain additional discussion. Ms. Crawford referenced discussions at the Safety Committee level which included discussion of costs and advised the minutes of the Safety Committee reflect these discussions. There being no further discussion, the Mayor directed the Clerk to call the roll on the motion to table. Members of the Council voted as follows:

YEAS: Crawford, Hartung, Dike, Artino, Ginesi, Schaffter, Hardy (7)
NAYS: None (0)

There being a majority in favor of the motion, the motion passed and Resolution 2019-39 tabled.

Resolution 2019-40

Mr. Ginesi referenced that he would have to abstain from discussion/voting on the matter and exited the meeting.

Motion by Mr. Artino that the three reading rule be suspended and Resolution No. 2019-40 (A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MASTER AGREEMENT WITH DYNEGY ENERGY SERVICES (EAST), LLC D/B/A DYNEGY ENERGY SERVICES, LLC TO PROVIDE ELECTRIC GENERATION SUPPLY AND RELATED SERVICES UNDER THE CITY'S ELECTRIC AGGREGATION PROGRAM) be placed upon its first reading. The Mayor asked if there was any discussion on the motion. The Mayor directed the Clerk to call the roll on the motion. Members of the Council voted as follows:

YEAS: Artino, Schaffter, Hardy, Crawford, Hartung, Dike (6)
NAYS: None (0)
ABSTAIN: Ginesi (1)

There being five votes or more in favor of the motion, the Mayor declared the motion passed. The Mayor directed the Law Director to read the Resolution by its title only. The Mayor asked if there was any discussion. Mr. White referenced the executive memo and council's previous authorization to allow him to negotiate a not to exceed rate of 5 cents per KWH. He reviewed the terms of the aggregation agreement: 3 year fixed price, \$20,000/yr. grant, customers have the option to opt-out of the program. In response to a question by Mr. Dike, Mr. White noted this program was recommended following review of the bids by the city's consultant Mike Spacek, the Finance Director and Administration. There being no further discussion, the Mayor directed the Clerk to call the roll on the final adoption of Resolution 2019-40. Members of Council voted as follows:

YEAS: Artino, Schaffter, Hardy, Crawford, Hartung, Dike (6)
NAYS: None (0)
ABSTAIN: Ginesi (1)

There being a majority vote in favor of adoption, Resolution No. 2019-40 was adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately. Mr. Ginesi returned to the meeting.

Resolution 2019-41

Motion by Mr. Hardy that the three reading rule be suspended and Resolution No. 2019-41 (A RESOLUTION AUTHORIZING AND DIRECTING CERTAIN TRANSFERS AMONG THE VARIOUS FUNDS OF THE CITY) be placed upon its first reading. The Mayor asked if there was any discussion on the motion. The Mayor directed the Clerk to call the roll on the motion. Members of the Council voted as follows:

YEAS: Hardy, Crawford, Hartung, Dike, Artino, Ginesi, Schaffter (7)
NAYS: None (0)

There being five votes or more in favor of the motion, the Mayor declared the motion passed. The Mayor directed the Law Director to read the Resolution by its title only. The Mayor asked if there was any discussion. Mr. White referenced the summary and noted these were previously approved budget transfers. Mr. Swaisgood explained the purpose of the transfers are to fund the police department's police pension liability for the remainder of the year. There being no further discussion, the Mayor directed the Clerk to call the roll on the final adoption of Resolution 2019-41. Members of Council voted as follows:

YEAS: Hardy, Crawford, Hartung, Dike, Artino, Ginesi, Schaffter (7)
NAYS: None (0)

There being a majority vote in favor of adoption, Resolution No. 2019-41 was adopted. The Resolution as adopted was signed by the Mayor and Clerk of Council and will take effect immediately.

City Manager's Discussion

- Responded to Mr. Terry, noting appreciation for his comments and referencing discussion at the Safety Committee level with regard to the recent incident at Nickel Plate Beach.
- Responded to Ms. Murphy, regarding her question of persons being aware of a breach of sunshine laws, noting he was not aware of any violations. He explained that city staff responds and provides public records as requested and suggested that he would be happy to speak with her further regarding her inquiry if she would like to meet with administration.
- Reported on a meeting with officials from Moody's with himself, Mr. Swaisgood, Mr. Spafford and Mr. Sudan relative to the city's bond rating and provided summary of bond rating system and advantages/benefits of a good bond rating. He noted a report was expected from Moody's next week and recognized the efforts of Mr. Swaisgood and Mr. Spafford.
- Provided update on recruitments following the filling of the Law Director and Finance Director positions: Closing in on the Executive Assistant/Clerk of Council position in Administration and referenced the next focus would be on Zoning.
- Referenced the usage of legal resources of Walter Haverfield to provide updates to the employee handbook; referring to a recent public records request from Ms. Hartley for this handbook and explaining the handbook has not been updated for some time.
- Referenced upcoming meeting /presentation at Erie Regional Planning relative to the US6 Corridor Study from Sandusky to Huron on July 16, and explained the basis for the project.
- Referenced an email from a concerned citizen regarding SB51- proposed expansion of Special Improvement Districts. He provided general information on Special Improvement Districts and noted that SB51 includes shoreline projects that are targeted toward erosion, noting that there are community members along the coast that are interested as they are being affected by shoreline issues with the lake being so high. He noted he will need to review the information further.
- Referenced the new audio recording system and the PA system and expressed appreciation for the public's patience with the installation of the system.

Questions/Comments from Councilmembers

- Mr. Dike referenced the presentations by the Huron Joint Port Authority (HJPA) to the Planning Commission and noted that he would like to invite Mr. Rob Moore of the HJPA to come and present their plans related to a USGS facility on ConAgra to City Council. Mr. White referenced the correspondence to council from the HJPA, discussion and recommendation from the Economic Development Committee in support of a city initiative relative to a USGS facility. He referenced an event being planned for September on the ConAgra site to get public and developer

input. He explained the HJPA project involves a 1 acre site of the ConAgra property for a USGS facility. The HJPA would have a 20 year lease with USGS, explaining that HJPA has access to revenue bonds to finance the construction of the facility and noting this would not impact the city's debt. Mr. White reviewed the projects that the city needs to complete relative to the site: the land swap between the state/city for a portion of the property and the dedication of the street to determine utility infrastructure placement. **Motion by Mr. Dike to invite Mr. Moore of the HJPA to present at a council meeting. The Mayor asked if there was any discussion on the motion.** The Mayor directed the Clerk to call the roll on the motion. Members of the Council voted as follows:

YEAS: Dike, Artino, Ginesi, Schaffter Hardy, Crawford, Hartung (7)

NAYS: None (0)

There being five votes or more in favor of the motion, the Mayor declared the motion passed. Mr. Dike inquired about the bond rating of AA3 and the bond system rankings; Mr. White referenced there being three tiers in each category and that the city is looking to move to the next category. He referenced the report from Moody's which will provide information with regard to their review and analysis of the city's rating and ability to move to the next category. Mr. Dike inquired about the Executive Assistant position and how this affects the operation. Mr. White explained Ms. Gibboney would transition to Zoning and the Executive Assistant will be providing support for the City Manager and Finance staff. He explained how the transitions would allow for defined staffing (Finance, Administration, and Zoning) to assist the public as currently all customers are directed to the Finance. Mr. Dike inquired about a recent request from Chaska Beach to reduce the speed limit. Mr. White referenced discussion at the Safety Committee level and recapped the discussion at the meeting relating to increased traffic and parking issues in the summer months in Chaska. Mr. White explained the residents of Chaska at the meeting were going to take pictures of the issues and it was explained at the meeting that an engineering study is required by ODOT and administration will get a proposal and can discuss the matter further. Mr. Dike mentioned an awkward double stop sign in Chaska and would like this looked into as well. Mr. Dike referenced Ms. Murphy's inquiry regarding cost of the Special Prosecutor. Mr. White referenced the budget funds in place within Consultant Special Services in the Law Department, not to exceed \$15,000 and referenced Mr. Swaisgood had spoken to the Special Prosecutor who provided a range of \$1,500 to \$15,000. Mr. Swaisgood advised that \$3,600 has been expended to date.

Mayor's Discussion

- Recognized and thanked HPD and HFD for their efforts at Nickel Plate Beach the past weekend, acknowledging the young man who lost his life.
- Referenced correspondence from the Erie County Port Authority relative to conduit financing available through their office.

For the Good of the Order

- Mr. Ginesi referenced the draft legislation prepared and information relative to inclusion of an invocation on council agendas and asking for discussion on the topic. The Mayor suggested discussion at a work session meeting.
- Mr. Artino asked the Law Director about the ability to make a motion that Council withdraw the complaint against Ms. Hinnners and that the prosecutor drop charges against Ms. Hinnners and/or make a request to the Prosecutor to drop the charges. Ms. Lane advised it is solely up to the Special Prosecutor to determine and referenced her previous explanation regarding the law with regard to the Prosecutor function. She advised Mr. Artino it was not illegal to do what he was asking, but not sure what effect, if any, it would have. **Motion by Mr. Artino to request that the Special Prosecutor drop the charges against Ms. Hinnners.** The Mayor asked if there was

any discussion on the motion. The Mayor directed the Clerk to call the roll on the motion. Members of the Council voted as follows:

YEAS: Artino, Dike (2)

NAYS: Schaffter, Hartung, Hardy (3)


ABSTAIN: Ginesi, Crawford (2)

There not being a majority in favor, motion fails.

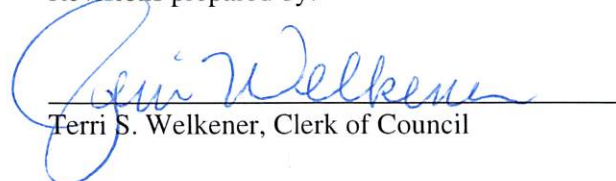
Mr. Artino asked if there was discussion at the Safety Committee level relative to the incident at Nickel Plate. Ms. Crawford noted there was and in addition to what Mr. White has already mentioned, she would report further.

- Mr. Dike expressed condolences to the family of the victim, recognized the work of HPD/HFD and commented that people visiting from out of town are not aware of the dangers of the lake.
- Ms. Crawford reported on discussion at the Safety Committee level. Incident at Nickel Plate Beach: The committee discussed criteria to trigger action, additional signage, interim steps to be taken which may prompt the closing of the beach while options continue to be researched. She explained the complexity of the conditions on the lake which can change quickly and the dangers of the lake that people from out of town are unaware of. She noted explorations of options will continue, expressing condolences to the family of the victim and recognizing the efforts of HFD and HPD. Chaska Beach request for reduction to speed limit: Traffic study required by ODOT, process reviewed. Grass clippings in roadway: an ordinance exists within the code prohibiting anything being blown into the roadway. Mr. White provided review of incident at Nickel Plate explaining that due to the weather on Sunday, Parks and Recreation did not have the attendant there collecting parking fees nor was the business that operates in the park open. He referenced there was not a way to restrict access to the beach from neighborhoods to the east, but commented there has been discussion of a gate other options. He referenced that Ms. Lane has provided information and administration is looking at restriction to the beach at this time.
- Mr. Hardy expressed his condolences to the family and noted and recognized the 71 First Responders that participated in assisting on Sunday.
- Mr. Schaffter commented that out of town visitors are more prone to these situations as they unaware of the conditions of Lake Erie. He recognized and thanked safety forces.

There being no further business to come before the Council, the Mayor declared the regular meeting of July 9, 2019 adjourned at 7:23p.m.


Christine M. Gibboney, former Clerk of Council

Revisions prepared by:


Terri S. Welkener, Clerk of Council

Adopted: 10 DEC 2019